

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCOS ROMERO, on behalf of himself, FLSA
Collective Plaintiffs, and the Class,

Plaintiff,

-against-

NEW BLUE FLOWERS GOURMET CORP., d/b/a CAFÉ
ALICE, *et al.*,

Defendants.

16cv08753 (DF)

ORDER

DEBRA FREEMAN, United States Magistrate Judge:

In May 2018, this Court entered an Order dismissing the above-captioned wage-and-hour case, based on the Court’s approval of the parties’ settlement. (*See* Dkt. 52; *see also* Dkt. 47 (parties’ consent to proceed before this Court pursuant to 28 U.S.C. § 636(c)).) In its dismissal Order, however, the Court stated that it would retain jurisdiction over the matter, for purposes of enforcing the settlement (Dkt. 52 ¶ 2), and in June 2020 – more than two years after the case’s dismissal – Plaintiff filed a motion for such enforcement (Dkt. 53). Subsequently, T. Austin Brown, Esq. (“Brown”), of the Austin Brown Law Firm (“Brown Law”), filed a letter with the Court, seeking leave to withdraw from representing defendants New Blue Flowers Gourmet Corp., 74 5th Ave Market Corp., and Valent & Cook At 57th Street Corp. (collectively, herein, “Defendants”) in connection with this case, including with respect to Plaintiff’s motion to enforce the settlement. (Dkt. 58.) In his letter, Brown states that, although he received Plaintiff’s motion, he has been unable to contact his clients by mail, telephone, or email, and therefore cannot respond to the motion on their behalf. (*See id.*) In light of this, it is hereby ORDERED as follows:

1. Brown is directed to serve a copy of his letter seeking leave to withdraw on Defendants, together with a copy of this Order, by mail and email to their last known addresses, no later than January 8, 2021, and to file proof of such service on the Docket.

2. If any of the Defendants wish to be heard with respect to Brown Law's request to withdraw, then, no later than January 22, 2021, such Defendants should submit their responses to the Court, with a copy to Brown Law. If Defendants would like to email their responses to the Court, then they should contact my Chambers at (212) 805-4650 and leave a voicemail message, asking for email instructions and providing a telephone number where they may be reached so that such instructions may be given to them. Alternatively, Defendants may mail their responses directly to my Chambers at the following address:

Hon. Debra Freeman, U.S. Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1660
New York, New York 10007

Defendants' responses may be submitted *ex parte*; in other words, they need not be served on counsel for Plaintiff. The Court, in its discretion, will determine whether any responses it receives from Defendants should be filed publicly or if they contain sensitive information that warrants their being placed under seal. If, by January 22, 2021, the Court receives no objection from Defendants to Brown Law's request to withdraw, then the Court will likely grant that request as unopposed.

3. Defendants are cautioned, however, that a corporation may not proceed in an action before the Court without being represented by counsel. For this reason, if the Court permits Brown Law to withdraw, then Defendants will need to retain new counsel if they wish to oppose Plaintiff's pending motion to enforce the settlement. If, by February 5, 2021, no attorney

acting on Defendants' behalf files an opposition to Plaintiff's motion, then the Court will proceed to decide that motion based on Plaintiff's submissions alone.

Dated: New York, New York
January 4, 2021

SO ORDERED:



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

All counsel (via ECF)